



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,208	05/23/2007	Dirk John	1034193-000053	3193

21839 7590 09/03/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

LEE, DOUGLAS S

ART UNIT	PAPER NUMBER
----------	--------------

2121

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/581,208	Applicant(s) JOHN ET AL.	
	Examiner DOUGLAS S. LEE	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendments/Arguments

1. Applicant's amendments/arguments, see attorney's remarks, filed 5/26/2009 with respect to the rejection(s) of claim(s) 1-32 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and under 35 U.S.C. 102 (b) as being anticipated by Krivoshein et al. (US Pat. #6,446,202) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made with respect to amended claim 1-32 in view of Glanzer et al. (US Pat. 6,424,872).

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Glanzer et al. (US Pat. 6,424,872).

Regarding claim 1, Glanzer et al. disclose a system that provides and installs at least one of device-specific functionalities and information for field devices, the field devices being arranged in a distributed system, wherein the distributed system has at least one device-specific component communicates with at least two functional units, the at least in one device- specific component having means automatically providing and installing at least one of device-specific functionalities and information for the field

Art Unit: 2121

devices that are stored in the functional units (see figs. 1-9, col. 5, line 47- col. 6, line 67).

Regarding claim 2, Glanzer et al. disclose the system wherein the arrangement is stored in a memory medium (see col. 6, lines 55-67).

Regarding claim 3, Glanzer et al. disclose wherein at least one of the device-specific functionalities and information that is stored in the functional units is provided and installed in a higher-level control system or controller relating to the distributed system for the field devices (see col. 5, line 47- col. 6, line 67).

Regarding claim 4, Glanzer et al. disclose wherein at least one of the device-specific functionalities and information which is stored in the functional units is installed by means of an automatically running installation process (see col. 5, line 47- col. 6, line 67).

Regarding claim 5, Glanzer et al. disclose wherein configuration tools are provided to install the communication between at least one of the field devices and with the higher-level control system or controller (see col. 12, lines 8-12).

Regarding claim 6, Glanzer et al. disclose wherein network components are provided for installation of the network links for specific communication architecture (see col. 23, line 58-col.26, line 30).

Regarding claim 7, Glanzer et al. disclose wherein the functional units are at least one of device documentation, device core data, device parameters, device drivers, control functions, setting-up functions, diagnosis functions, maintenance functions,

Art Unit: 2121

optimization functions, alarm processing functions, and life functions (see col. 11, line 61-col. 12, line 67).

Regarding claim 8, Glanzer et al. disclose wherein at least one of device-specific components, the configuration tools, and the network components can be installed in an installation process (see col. 5, line 47- col. 6, line 67).

Regarding claim 9, Glanzer et al. disclose wherein at least one of device-specific components, the configuration tools, and the network components can be installed selectively (see col. 24, line 65-col. 25, line 8).

Regarding claim 10, Glanzer et al. disclose wherein at least one of drives, motor protection units, switchgear assemblies, sensors, in particular sensors for pressure, temperature and flow rate measurements, low voltage devices, actuators and analysis devices are used as field devices (see col. 2, lines 25-35).

Regarding claim 11, Glanzer et al. disclose wherein at least one of device-specific functionalities and information is recorded as at least one of data structures and program components in the device-specific components (see col. 10, lines 52-67).

Regarding claim 12, Glanzer et al. disclose wherein device-specific components are tested for at least one of correctness and completeness of at least one of the device- specific functionalities and information (col. 15, line 4).

Regarding claim 13, Glanzer et al. disclose wherein device-specific components can be extended in a modular form (see col. 10, lines 20-24).

Regarding claim 14, Glanzer et al. disclose wherein the distributed system is a distributed automation system (see cols. 1-2).

Regarding claim 15, Glanzer et al. disclose wherein the higher-level system is a process control system or a programmable logic controller (see col. 12, lines 8-10).

Regarding claim 16, Glanzer et al. disclose wherein the field devices communicate with the higher-level control system or controller via a fieldbus protocol which is in the form of at least one of PROFIBUS, PROFINet, FOUNDATION fieldbus, and HART (see cols. 1-2).

Regarding claims 17-32, these method claims are rejected for the same reasons applied above rejected apparatus claims 1-16.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2121

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Albert Decady*, can be reached on (571) 272-3819 or via e-mail addressed to [*albert.decady@uspto.gov*]. The fax number for this Group is (571) 273-8300. Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**doug.lee@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

/D. S. L./
Examiner, Art Unit 2121

/Albert DeCady/

Supervisory Patent Examiner, Art Unit 2121